

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

In re:	:	Chapter 13
	:	
MARY SAMPLES,	:	Case No. 16-20779
	:	
Debtor(s).	:	Judge Sacca

RESPONSE AND OPPOSITION TO DEBTOR'S OBJECTION TO
PROOF OF CLAIM FILED BY BB&T

COMES NOW, BRANCH BANKING & TRUST COMPANY (BB&T), and respectfully shows the Court the following:

1.

Debtor filed a petition under Chapter 13 in the United States Bankruptcy Court for the Northern District of Georgia on April 20, 2016.

2.

A hearing on confirmation of Debtor's Chapter 13 Plan is scheduled for October 20, 2016.

3.

Debtor is indebted to BB&T in the approximate amount of \$11,758.67, exclusive of attorney fees, such claim representing unpaid credit card charges that resulted in a judgment in favor of BB&T in 2011. A copy of the Writ of *Fieri Facias* is attached to the unsecured Proof of Claim filed by BB&T [claim no. 2 filed 4/26/16].

4.

Debtor filed an objection to the Proof of Claim alleging the debt was the result of an automobile deficiency and documents evidencing such deficiency were missing from the Proof of Claim. Such allegations are incorrect. The claim resulted from unpaid credit card charges.

5.

BB&T opposes the debtor's objection to proof of claim and requests to be heard at a hearing on this matter.

6.

BB&T requests an award of reasonable attorney fees.

Wherefore, BB&T opposes the Debtor's objection to Proof of Claim and respectfully request to be heard at a hearing on this matter, and any other relief the Court may deem appropriate.

DATED this 18th day of October, 2016.

/s/ Elizabeth A. Stuhldreher
ELIZABETH A. STUHLDTREHER
Ga. Bar No. 690147
Attorney for BB&T

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above RESPONSE AND OPPOSITION TO DEBTOR'S OBJECTION TO PROOF OF CLAIM was sent U. S. Mail, properly addressed and with correct postage to the following:

Eric Roach (Also via email)
Office of Chapter 13 Trustee
Suite 120
303 Peachtree Center Avenue
Atlanta, GA 30303

Matthew T. Berry & Associates (Also via email)
Suite 600
2751 Buford Highway
Atlanta, GA 30324

Mary Samples
8660 Vanns Tavern Rd
Gainesville, GA 30506

SERVED this 18th day of October, 2016.

/s/ Elizabeth A. Stuhldreher
Elizabeth A. Stuhldreher
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